

Protected Leaves Beyond FMLA, CFRA, and PDL



Now that you know all about the Family Medical Leave Act (FMLA), the California Family Rights Act (CFRA), the Pregnancy Disability Leave (PDL), and time off for parental leave, you may be saying, “My leave does not fall into any of these categories. Does that mean there is no leave option available to me?”

I need to take a medical leave for myself, but what if I am not eligible for FMLA or CFRA?

California is one of the most generous states in the country when it comes to offering protected leaves to eligible employees. If you need to take time off because of your medical condition, you may be eligible for a leave of absence as an accommodation under the Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA). ADA and/or FEHA leave is available when an employee does not meet the eligibility requirements for FMLA, CFRA, or they have already used all of their available protected time off under FMLA, CFRA, or PDL.

What is ADA and/or FEHA?

Both the ADA and FEHA prohibit discrimination against employees who are disabled. ADA and FEHA protections can work in one of two ways in the workplace.



Medical Restrictions & Reasonable Accommodations

If an employee receives a medical note from their health care provider that imposes restrictions on what they can do in the workplace, the employer is required to engage that employee in a timely and good faith “interactive process.” An interactive process includes all types of communication (i.e., email, phone calls, etc.,) that help to clarify restrictions issued by a health care provider so that the employer can identify a reasonable accommodation that would allow that person to stay in the workplace and perform the essential functions of their job fully and safely. If your health care provider imposes restrictions as part of allowing you to return to the workplace following your leave of absence, here is what you need to do:

- Give your departmental leave coordinator (DLC) a copy of the health care provider’s medical note; it is best to provide the note as soon as possible to get the interactive process started.
- Your DLC will let the Department’s Disability Management and Compliance Coordinator (DMCC) know about your restrictions, and the DMCC will reach out to you to help you with the next steps.

ADA and/or FEHA Leave as a Reasonable Accommodation

Sometimes, after engaging in the interactive process, an employer might not be able to identify a reasonable accommodation that allows the employee to perform the essential duties of their job fully and safely. If this is the case, then a protected leave is offered as an accommodation.

Click [HERE](#) for additional information related to the ADA.

Click [HERE](#) for additional information related to FEHA.



How am I paid if I'm on leave under ADA and/or FEHA?

You may be eligible for Short-Term Disability (STD) and/or Long-Term Disability (LTD). You may also be able to use accrued benefit time during your ADA and/or FEHA medical leave of absence to receive pay during your leave. Speak to your DLC to discuss all of your options.

Important Note! If you have exhausted your accrued benefit time and are taking an ADA and/or FEHA medical leave of absence for more than 30 calendar days, your health benefits will not be covered. You will need to pay for your benefits separately to maintain coverage.

Other important leaves for you to know about!

While FMLA, CFRA, and PDL are the most common leaves, there are other special leaves that you should know about. In the next section, we will cover a few. For help with these leaves or to get additional information about all of your options, talk to your DLC.

Leave for Victims of Domestic Violence

Victims of domestic violence can take time off for things like court hearings, or any time that might be needed to protect the health, safety, or welfare of the victim of domestic violence and their family members. Documentation is needed to use this leave – a police report or a note from a health care provider, victim advocate, or counselor may be accepted. Click [HERE](#) for additional information about this leave.

If you are a victim of domestic violence, there are additional resources available to you:

- The County of Los Angeles Department of Human Resources' Employee Assistance Program (EAP) is a free and confidential service. The first visit to the EAP is offered on County time. Find out more about the EAP [HERE](#).
- If you need housing or other services, contact the LA County Domestic Violence Hotline (24/7 Confidential) at (800) 978-3600. Click [HERE](#) for a list of domestic violence shelters put together by the Department of Public Health.
- You can also reach out to the National Domestic Violence Hotline (24/7 Confidential) at (800) 799-7233, or for support and assistance, click the link www.thehotline.org.

Time off for Bone Marrow and Organ Donation

In our first newsletter, we mentioned that there are new leave benefits that the County of Los Angeles (County) has added. As of October 27, 2022, County employees are eligible for time off needed for testing, harvesting, and recovery time to make an organ or bone marrow donation. Five (5) days of paid leave are available to support a donation of bone marrow. If any additional time is needed, employees should contact their DLC to discuss options. Employees can take up to 60 days of leave to support organ donation. The first 30 days of organ donation leave are paid by the County. Employees may request an additional 30 days of protected time off and use accrued time or may choose to take the additional days without pay. It is important to note that this leave covers all appointments and activities related to the official donation process. To read the PPG about this leave, click [HERE](#).

Expansion of CFRA coverage to care for a “Designated Person”

You can already take time off under CFRA to care for yourself, your spouse or domestic partner, parent, child, grandparent or grandchild, sibling with a serious health condition, or for adoption/foster care placement activities, bonding with a child, and military exigency. However, most of us have important people in our lives that are like family. Now you can care for someone who falls into this category! As of January 1, 2023, employees who are eligible for CRFA can take protected leave to care for a “designated person.” A designated person is defined as “any individual related by blood or whose association with the employee is the equivalent of a familial relationship.” Examples of a designated person include, but are not limited to:

- Aunt or Uncle
- Cousin
- Friend
- Godparent
- Neighbor
- Roommate
- Significant Other
- Any person the employee identifies as having a familial relationship with them

Your DLC can help you with exploring this leave of absence benefit.

Thank you for taking the time to learn about these important leaves.

We hope you found the information in this series about protected leaves to be interesting and helpful. As a reminder, your DLC can assist you with any questions, concerns, or leave requests.

Military Exigency

If you have a family member who serves in the military or the reserves, there are several leave options available to you. Both the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA) allow eligible employees to take protected leave for any qualifying reason related to or resulting from the deployment of a spouse, child, or parent that serves with the Armed Forces (Army, Navy, Air Force, Marines, etc.). Such activities include:

- Support in response to short-notice deployment.
- Attending military events and related activities, such as official ceremonies, programs, events, and informational briefings.
- Time needed to arrange childcare and related activities.
- Time needed to make or update financial and legal arrangements related to deployment.
- Attending counseling for yourself, your military family member, or the child(ren) of your military family member.

If you wish to apply for military exigency leaves, you will be required to submit supporting certification, including, but not limited to, a copy of the military member's active-duty orders.

